UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,290	11/29/2000	John C. Goodwin III	9120.00	6321

26884   7590   05/22/2009

PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
1700 S. PATTERSON BLVD.
DAYTON, OH 45479-0001

EXAMINER
ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
05/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/727,290	GOODWIN ET AL.
	Examiner	Art Unit	
	ABBAS I. ABDULSELAM	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-8* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/10/09

has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-8 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Cragun et al. (USPN 5504675) in view of Hedrick et al. (USPN 6368216).

        Regarding claim 1, Cragun teaches a method of displaying information by a

network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person within a

predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)),

Fig. 4 (102) and col. 4, lines 8-20) displaying first information in response to sensing step

by a display of the kiosk to attract attention of the person to the first information of the

display and to attempt to persuade the person to approach and use the kiosk; (col. 5, lines

9-23, Fig. 4 (104), appealing visual images) timing a time period (col. 5, lines 46-56, Fig.

4 (118) and interaction time) and displaying second information which is less distinctive

than the first information by the display following the end of the time period (col. 5, lines

66, col. 6, lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102).

While Cragun teaches if someone is within a given distance of kiosk 10 ("T" at

step 116) after displaying (step 114) has begun, the system determines whether touch

screen was touched at step 112 (FF 4), and a program detects whether the screen was

touched within a predetermined time interval,

Cragun does specifically teach, a claim limitation, "displaying the first

information until an end of the time period by the display if the person does not begin use

of the kiosk within the time period"

Hedrick on the other hand teaches as shown in Fig. 9 controlling video content

including and "attract mode" (932) within which a system may display various attract

animations on secondary display 219 (see fig. 2). For example, it might depict "good

luck" balls or other symbols moving around on the screen for a certain amount of time. It

may also display spinning reels or some feature designed to attract attention to a

particular feature of the game such as a large top award that is available. These various

attraction animations may be displayed for a fixed length of time (col. 18, lines 66-67,

col. 19, lines 1-11.

Hence it is clear from Hedrick's teaching a display takes place in "attract mode"

for a fixed desired period of time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cragun's displaying steps (114) and a screen touching steps (112) that is shown in Fig. 4 with Hedrick's use of fixed length of time attributed display of attraction animation, because the use of fixed length of time with respect to displaying enables a system to update a display to present information associated with a game as taught by Hedrick et al.

Regarding claim 2, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: sensing a person within a predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-20) displaying first information in response to sensing step by a display of the kiosk to attract attention of the person to the first information of the display and to attempt to persuade the person to approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displaying second information which is less distinctive than the first information by the display if the person n is no longer within the predetermined distance of the kiosk and the time period has expired (col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

While Cragun teaches if someone is within a given distance of kiosk 10 ("T" at step 116) after displaying (step 114) has begun, the system determines whether touch screen was touched at step 112 (FF 4), and a program detects whether the screen was touched within a predetermined time interval,

Cragun does specifically teach, a claim limitation, "displaying the first information until an end of the time period by the display if the person does not begin use of the kiosk within the time period"

Hedrick on the other hand teaches as shown in Fig. 9 controlling video content including and "attract mode" (932) within which a system may display various attract animations on secondary display 219 (see fig. 2). For example, it might depict "good luck" balls or other symbols moving around on the screen for a certain amount of time. It may also display spinning reels or some feature designed to attract attention to a particular feature of the game such as a large top award that is available. These various attraction animations may be displayed for a fixed length of time (col. 18, lines 66-67, col. 19, lines 1-11.

Hence it is clear from Hedrick's teaching a display takes place in "attract mode" for a fixed desired period of time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cragun's displaying steps (114) and a screen touching steps (112) that is shown in Fig. 4 with Hedrick's use of fixed length of time attributed display of attraction animation, because the use of fixed length of time with respect to displaying enables a system to update a display to present information associated with a game as taught by Hedrick et al.

Regarding claim 3, Cragun teaches a method of displaying information by a network kiosk (Fig. 1 (10)) comprising the steps of: displaying first information by a

display of the kiosk; sensing a person passing within a predetermined distance of the

kiosk by a proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-

20) displaying second information which is more distinctive than the first information by

the display in response to said sensing step to attract attention of the person to the second

information of the display and to persuade the person to approach and use the kiosk; (col.

5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time period (col. 5, lines

46-56, Fig. 4 (118) and interaction time) and displaying third information by the display

if the person is no longer within the predetermined distance of the kiosk and the time

period has expired(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F,

102).

      While Cragun teaches if someone is within a given distance of kiosk 10 ("T" at

step 116) after displaying (step 114) has begun, the system determines whether touch

screen was touched at step 112 (FF 4), and a program detects whether the screen was

touched within a predetermined time interval,

      Cragun does specifically teach, a claim limitation, "displaying the second

information until an end of the time period by the display if the person does not begin use

of the kiosk within the time period"

      Hedrick on the other hand teaches as shown in Fig. 9 controlling video content

including and "attract mode" (932) within which a system may display various attract

animations on secondary display 219 (see fig. 2). For example, it might depict "good

luck" balls or other symbols moving around on the screen for a certain amount of time. It

may also display spinning reels or some feature designed to attract attention to a

particular feature of the game such as a large top award that is available. These various

attraction animations may be displayed for a fixed length of time (col. 18, lines 66-67,

col. 19, lines 1-11.

Hence it is clear from Hedrick's teaching a display takes place in "attract mode"

for a fixed desired period of time.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Cragun's displaying steps (114) and a screen touching

steps (112) that is shown in Fig. 4 with Hedrick's use of fixed length of time attributed

display of attraction animation, because the use of fixed length of time with respect to

displaying enables a system to update a display to present information associated with a

game as taught by Hedrick et al.

Regarding claim 4, Cragun teaches a method of displaying information by a

network kiosk (Fig. 1 (10)) comprising the steps of: displaying first information by a

display of the kiosk; sensing a person passing within a predetermined distance of the

kiosk by a proximity sensor of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and col. 4, lines 8-

20) determining second information for display by the display which is more distinctive

than the first information in response to said sensing step; wherein the second

information attracts attention of the person to the second information of the display and

to persuade the person to approach and use the kiosk; displaying the second information

by the display; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images) timing a time

period of displaying the second information to wait for the person to operate the kiosk;

(col. 5, lines 46-56, Fig. 4 (118) and interaction time) determining third information for

display which is less distinctive than the second information when the person is no longer

within the predetermined distance of the kiosk and the time period has expired; and

displaying the third information by the display(col. 5, lines 40-23 and back to 102 in Fig.

4, see loop in Fig. 4 (116, F, 102).

While Cragun teaches if someone is within a given distance of kiosk 10 ("T" at

step 116) after displaying (step 114) has begun, the system determines whether touch

screen was touched at step 112 (FF 4), and a program detects whether the screen was

touched within a predetermined time interval,

Cragun does specifically teach, a claim limitation, "displaying the second

information until an end of the time period by the display if the person does not begin use

of the kiosk within the time period"

Hedrick on the other hand teaches as shown in Fig. 9 controlling video content

including and "attract mode" (932) within which a system may display various attract

animations on secondary display 219 (see fig. 2). For example, it might depict "good

luck" balls or other symbols moving around on the screen for a certain amount of time. It

may also display spinning reels or some feature designed to attract attention to a

particular feature of the game such as a large top award that is available. These various

attraction animations may be displayed for a fixed length of time (col. 18, lines 66-67,

col. 19, lines 1-11.

Hence it is clear from Hedrick's teaching a display takes place in "attract mode"

for a fixed desired period of time.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Cragun's displaying steps (114) and a screen touching

steps (112) that is shown in Fig. 4 with Hedrick's use of fixed length of time attributed

display of attraction animation, because the use of fixed length of time with respect to

displaying enables a system to update a display to present information associated with a

game as taught by Hedrick et al.

Regarding claim 5, Cragun teaches a network kiosk comprising: a display for

displaying information; (Fig. 1 (10)) a proximity sensor; and a computer which senses a

person within a predetermined distance of the kiosk; (Fig. 1 (20, 22)), Fig. 4 (102) and

col. 4, lines 8-20) displays first information in response to sensing the person to attract

attention of the person to the first information of the display and to persuade the person to

approach and use the kiosk; (col. 5, lines 9-23, Fig. 4 (104), appealing visual images)

times a time period of displaying the first information, (col. 5, lines 46-56, Fig. 4 (118)

and interaction time) and displays second information which is less distinctive than the

first information following the end of the time period (col. 5, lines 66, col. 6, lines 1-5

and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102).

While Cragun teaches if someone is within a given distance of kiosk 10 ("T" at

step 116) after displaying (step 114) has begun, the system determines whether touch

screen was touched at step 112 (FF 4), and a program detects whether the screen was

touched within a predetermined time interval,

Cragun does specifically teach, a claim limitation, "displaying the first

information until an end of the time period by the display if the person does not begin use

of the kiosk within the time period"

Hedrick on the other hand teaches as shown in Fig. 9 controlling video content

including and "attract mode" (932) within which a system may display various attract

animations on secondary display 219 (see fig. 2). For example, it might depict "good

luck" balls or other symbols moving around on the screen for a certain amount of time. It

may also display spinning reels or some feature designed to attract attention to a

particular feature of the game such as a large top award that is available. These various

attraction animations may be displayed for a fixed length of time (col. 18, lines 66-67,

col. 19, lines 1-11.

Hence it is clear from Hedrick's teaching a display takes place in "attract mode"

for a fixed desired period of time.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Cragun's displaying steps (114) and a screen touching

steps (112) that is shown in Fig. 4 with Hedrick's use of fixed length of time attributed

display of attraction animation, because the use of fixed length of time with respect to

displaying enables a system to update a display to present information associated with a

game as taught by Hedrick et al.

Regarding claim 6, Cragun teaches a network kiosk comprising: a display for

displaying information; (Fig. 1 (10)) a proximity sensor; and a computer which senses a

person within a predetermined distance of the kiosk, (Fig. 1 (20, 22)), Fig. 4 (102) and

col. 4, lines 8-20) displays first information in response to sensing the person to attract

attention of the person to the first information of the display and to persuade the person to

approach and use the kiosk, (col. 5, lines 9-23, Fig. 4 (104), appealing visual images)

times a time period (col. 5, lines 46-56, Fig. 4 (118) and interaction time) and displays

second information which is less distinctive than the first information if the person is no

longer within the predetermined distance of the kiosk and the time period has expired(col. 5, lines 40-23 and back to 102 in Fig. 4, see loop in Fig. 4 (116, F, 102).

While Cragun teaches if someone is within a given distance of kiosk 10 ("T" at step 116) after displaying (step 114) has begun, the system determines whether touch screen was touched at step 112 (FF 4), and a program detects whether the screen was touched within a predetermined time interval,

Cragun does specifically teach, a claim limitation, "displaying the first information until an end of the time period by the display if the person does not begin use of the kiosk within the time period"

Hedrick on the other hand teaches as shown in Fig. 9 controlling video content including and "attract mode" (932) within which a system may display various attract animations on secondary display 219 (see fig. 2). For example, it might depict "good luck" balls or other symbols moving around on the screen for a certain amount of time. It may also display spinning reels or some feature designed to attract attention to a particular feature of the game such as a large top award that is available. These various attraction animations may be displayed for a fixed length of time (col. 18, lines 66-67, col. 19, lines 1-11.

Hence it is clear from Hedrick's teaching a display takes place in "attract mode" for a fixed desired period of time.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cragun's displaying steps (114) and a screen touching steps (112) that is shown in Fig. 4 with Hedrick's use of fixed length of time attributed display of attraction animation, because the use of fixed length of time with respect to

displaying enables a system to update a display to present information associated with a

game as taught by Hedrick et al.

Regarding claim 7, Cragun teaches a network kiosk as recited in claim 6, wherein

the proximity sensor comprises an ambient light sensor, which senses a drop in ambient

light when the person is within the predetermined distance (col. 4, lines 29-35).

Regarding claim 8, Cragun teaches a method of attracting a person to a network

kiosk (Fig. 1 (10)) comprising the steps of: sensing a person passing within a

predetermined distance of the kiosk by proximity sensor of the kiosk; (Fig. 1 (20, 22)),

Fig. 4 (102) and col. 4, lines 8-20) displaying first information and displaying a sound in

response to said sensing step to attract attention of the person to the first information of

the display and to persuade the person to approach and use the kiosk; ((col. 5, lines 9-23,

Fig. 4 (104), appealing visual images and sound track or statrling sounds), timing a time

period (col. 5, lines 46-56, Fig. 4 (118) and interaction time) displaying second

information which is less distinctive than the first information and stopping the sound if

the person does not begin use of the kiosk within the time period(col. 5, lines 66, col. 6,

lines 1-5 and back to 102 in Fig. 4, see loop in Fig. 4 (118, F and 102).

While Cragun teaches if someone is within a given distance of kiosk 10 ("T" at

step 116) after displaying (step 114) has begun, the system determines whether touch

screen was touched at step 112 (FF 4), and a program detects whether the screen was

touched within a predetermined time interval,

Cragun does specifically teach, a claim limitation, "displaying the first

information and playing the sound until an end of the time period by the display if the

person does not begin use of the kiosk within the time period"

Hedrick on the other hand teaches as shown in Fig. 9 controlling video content

including and "attract mode" (932) within which a system may display various attract

animations on secondary display 219 (see fig. 2). For example, it might depict "good

luck" balls or other symbols moving around on the screen for a certain amount of time. It

may also display spinning reels or some feature designed to attract attention to a

particular feature of the game such as a large top award that is available. These various

attraction animations may be displayed for a fixed length of time (col. 18, lines 66-67,

col. 19, lines 1-11.

Hence it is clear from Hedrick's teaching a display takes place in "attract mode"

for a fixed desired period of time.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Cragun's displaying steps (114) and a screen touching

steps (112) that is shown in Fig. 4 with Hedrick's use of fixed length of time attributed

display of attraction animation, because the use of fixed length of time with respect to

displaying enables a system to update a display to present information associated with a

game as taught by Hedrick et al.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Abbas I. Abdulselam whose telephone number is (571)

272-7685. The examiner can normally be reached on Monday through Friday from 9:00

A.M to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674.The fax phone

number for the organization where this application or proceeding is assigned is 571-273-

8300. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

/Abbas I Abdulselam/

Primary Examiner, Art Unit 2629

May 21, 2009